

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

**JOHN BUTLER,**

**Plaintiff,**

**v.**

**JOHN WETZEL, et al,**

**Defendants.**

**Case No. 1:23-CV-270**

**MEMORANDUM ORDER**

This action was received by the Clerk of Court on September 14, 2023. The matter was referred to Chief United States Magistrate Judge Richard A. Lanzillo, for report and recommendation in accordance with the Magistrate Judges Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrate Judges.

On January 2, 2024, Chief Magistrate Judge Lanzillo issued a Report and Recommendation recommending that the motion seeking in forma pauperis status be granted and the action be dismissed as legally frivolous and/or for failure to state a claim in accordance with 28 U.S.C. § 1915(e). Plaintiff was given the opportunity to file Objections to the Report and Recommendation before January 19, 2024. As of today's date, no Objections have been filed.

Regardless of whether timely objections are made, district courts may accept, reject, or modify—in whole or in part—the magistrate judge's findings or recommendations. 28 U.S.C. § 636(b)(1); Local Rule 72(D)(2). After *de novo* review of the complaint and documents in the case, together with the report and recommendation, the following order is entered:


AND NOW, this 23rd day of January 2024;

IT IS ORDERED that Plaintiff's motion for in forma pauperis status [ECF No. 1] is granted as it appears that Plaintiff is unable to pay the filing fee.

IT IS FURTHER ORDERED that the Clerk is directed to docket and file the complaint lodged at ECF No. 1-1.

IT IS FURTHER ORDERED that this action is dismissed as frivolous and/or for failure to state a claim in accordance with 28 U.S.C. § 1915(e).

AND, IT IS FURTHER ORDERED that the report and recommendation of Chief Magistrate Judge Lanzillo, issued on January 2, 2024 [ECF No. 7] is adopted as the opinion of the court.

  
~~sd Susan Paradise Baxter~~  
SUSAN PARADISE BAXTER  
United States District Judge